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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

BERG et al.

Application Number: 10/563,273

Filed: July 24, 2006

For: SINGLE CELL PROTEIN

Attorney Docket No. ACAP.0013

Art Unit 1645

Examiner
Ogunbiyi, Oluwatosin A.

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COVER LETTER

Sir:

[x] The fee for submission of claims is calculated as shown below:

| FOR | TOTAL WITH NEW CLAIMS ADDED | TOTAL CURRENTLY ON FILE | CLAIMS ALREADY PAID | RATE | CALCULATION |
|---|-----------------------------------|-------------------------------|------------------------|---------|-------------|
| Total Claims | 38 | 38 | (Over 20) | x \$50 | 0 |
| Independent Claims | 3 | 3 | (Over 3) | x \$210 | 0 |
| MULTIPLE DEPENDENT CLAIM(S) | | | PAID | + \$370 | 0 |
| REDUCTION FOR FILING BY SMALL ENTITY (note 37 C.F.R. §§ 1.9, 1.27, 1.28). IF APPLICABLE, VERIFIED STATEMENT MUST BE ATTACHED | | | | | |
| | | | | TOTAL | 0 |

In addition, the below-identified communications are submitted in the above-captioned application or proceeding:

- [x] Response to Office Action
(with claim election)
[] Substitute Abstract
[] Preliminary Amendment
[] Information Disclosure Statement

- [] Petition for ___ month Extension-of-Time
[] Terminal Disclaimer
[] ___ sheets of drawings
[] RCE
[] Other _____

- ☐ Please charge my **Deposit Account Number** in the amount of _____ to cover the fees for _____. A duplicate copy of this paper is enclosed.
- ☐ A check in the amount of _____ to cover the _____ fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment to **Deposit Account Number 08-1480**.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344



Juan Carlos A. Marquez
Registration No. 34,072

Nanda P.B.A. Kumar
Registration Number 44,853

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
July 3, 2008



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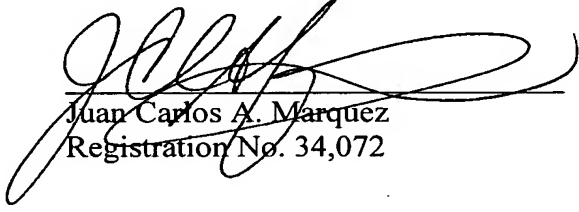
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of)
BERGE et al.)
Application Number: 10/563,273) Art Unit 1645
Filed: July 2, 2004) Examiner
For: USE OF A SINGLE-CELL PROTEIN MATERIAL) Ogunbiyi, Oluwatosin A.
Attorney Docket No. ACAP.0013)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION AND/OR ELECTION REQUIREMENT

Sir:

This is in response to the Office Action mailed on June 3, 2008, the period of response to which is set to expire on July 3, 2008. Applicant hereby provisionally elects with traverse to further prosecute Group I claims (claims 22-25), and atherosclerosis/coronary heart disease, human and *Methylococcus capsulatus* as species.